

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	: : : <u>CONSENT PRELIMINARY ORDER</u> : <u>OF FORFEITURE/ MONEY JUDGMENT</u>
- v. -	: :
JAESON BIRNBAUM,	: 21 Cr. 595 (PAC)
Defendant.	: : :
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WHEREAS, on or about September 28, 2021, defendant JAESON BIRNBAUM (the “Defendant”), was charged in a one count Information, 21 Cr. 595 (PAC) (the “Information”), with securities fraud, in violation of Title 15, United States Code, Sections 78j(b) & 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2 (Count One);

WHEREAS, the Indictment included a forfeiture allegation with respect to Count One of the Information seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes, or is derived from, proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about September 28, 2021, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code Section 2461, a sum of money equal to \$2,661,072.24 in United States

currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information that the Defendant personally obtained;

WHEREAS, the Defendant consents to the entry of a money judgment against him in the amount of \$2,661,072.24 in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information that the Defendant personally obtained;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney DAMIAN WILLIAMS, United States Attorney, Assistant United States Attorney Daniel Loss, of counsel, and the Defendant and his attorney, Sam Braverman, Esq., that:

1. As a result of the offense charged in Count One of the Information, a money judgment in the amount of \$2,661,072.24 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to that offense that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, ATTN: Money Laundering and Transnational Criminal Enterprises Unit, One Saint Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One Saint Andrew's Plaza, New York, New York 10007.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney

By: _____

Daniel Loss

Assistant United States Attorney

7/28/22
DATE

JAESON BIRNBAUM
Defendant

By: _____

Jaeson Birnbaum

By: _____

Sam Braverman, Esq.

Attorney for the Defendant

7/28/2022
DATE

7/28/2022
DATE

SO ORDERED:

Paul A. Crotty
THE HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

7/28/2022
DATE